

May 19, 2011

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA



0003503281

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re:)
) Case No.: 2011-10912
)
) DCN: KB-2
JAMIE THOMAS and)
) Chapter 11
JAMES THOMAS,)
)
)
)
) Judge: Whitney Rimel
)
Debtors.)

**Order Approving Ex Parte Application to Employ Dennis
Burkart, Certified Public Accountant, for Debtors in
Possession [11 U.S.C. §327; FRBP 2014(a)]**

Ex parte application to employ Dennis Burkart, Certified Public Accountant- Order

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1 An application to employ Dennis Burkart pursuant to 11
2 U.S.C. 327 has been made. Based on the application, the record,
3 and the verified statement required by the Federal Rule of
4 Bankruptcy Procedure 2014(a), it appears that the accountant is
5 eligible to be employed, provided, however, that as a condition
6 preceden to employment, said accountant waive any pre-petition
7 claim against the debtors' bankruptcy estate.

8 It is ordered that the Debtors in Possession are authorized
9 to employ Dennis Burkart, Certified Public Accountant, as their
10 accountant subject to the following reasonable terms and
11 conditions pursuant to 11 U.S.C. §327 and §§329-331.

12 1. No compensation is permitted, except upon court order
13 following application pursuant to 11 U.S.C. §330(a).

14 2. Compensation will be made at the "lodestar rate" for
15 accounting services applicable at the time that services are
16 rendered in accordance with the Ninth Circuit decision in *In re*
17 *Manoa Fin. Co.*, 853 F.2d 687 (9th Cir. 1988). No hourly rate or
18 other term referred to in the application papers is approved
19 unless unambiguously so stated in this order or in a subsequent
20 order of this court.

21 3. Monthly applications for interim compensation pursuant
22 to 11 U.S.C. §331 will be entertained.

23 4. Acceptance of employment by Dennis Burkart pursuant to
24 this order shall be deemed an irrevocable waiver by Dennis
25 Burkart of any prepetition claim, if any, against the bankruptcy
26 estate.

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28 Ex parte application to employ Dennis Burkart, Certified Public Accountant- Order

1 5. Nothing contained herein shall be construed to approve
2 any agreement between the debtors and Dennis Burkart for
3 indemnification, arbitration, choice of venue or jurisdiction,
4 jury waiver, limitation of damages, or the like.
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Dated:

May 19, 2011


United States Bankruptcy Judge

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